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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,545	06/27/2003	Eric W.A. Janssen	081468-0304431	7426

909 7590 12/19/2003

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EXAMINER

MATHEWS, ALAN A

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/607,545	Applicant(s) JANSSEN ET AL.	
	Examiner Alan A. Mathews	Art Unit 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-23 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/833,077.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6/03</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 14, line 6, numeral “60” has been used to designate both the bellows and conduits. Furthermore, numeral “61” was used to designate the conduits in figure 6 and on line 5 of page 14. In addition, it is noted that figure 5 shows numeral “61” (which is apparently a conduit), but the description of figure 5 on page 13 does not mention numeral “61”, even though the description does mention conduits.

Appropriate correction is required.

Claims Objections

1. Claim 13 is objected to in the there is no proper antecedent basis for “the pressure relief structure” in claim 13 or is parent claim 1.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-3, 6-23, are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-40 of U.S. Patent No. 6,597,429. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed elements and steps in claims 1-3 and 6-22 of the instant application are found somewhere in claims 1-40 of U.S. Patent No. 6,597,429. Lines 1-9 of claim of the instant application are exactly the same as lines 1-11 of patented claim 1. The vacuum chamber, the gas-filled pressure chamber, and the gas evacuating structure in claim 1 of the instant application are found in claims 2-11 of patented claim 11. The support member comprises a rod connected to the movable member in claim 2 in the instant application is found in patented claim 12. The rod comprising a rigid part and flexible part in claim 3 of the instant application are found in patented claim 3. The structure recited in claims 6 -9 of the instant application is found in patented claims 4 -6 and 13. The structure recited in claims 10 of the instant application is found in patented claim 26. The structure recited in claim 11 of the instant application is found in patented claim 14. The expressions "gas evacuating structure" and "pressure relief structure" mean the same thing. The structure recited in claim 12-15 of the instant application is found in patented claims 15, 16 and 29. The structure recited in claims 16-19 of claim 20 of the instant application is found in patented claims 33 and 7-9. The steps in lines 1-12 of the instant application are found in lines 1-17 of patented claim 33. The steps in lines 13-19 of claim 20 of

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the instant application are found in patented claim 1. The device recited in claim 21 of the instant application is found in patented claim 34. The method steps recited in claims 22 and 23 are found in patented claim 11.

Allowable Subject Matter

4. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1-23 would be allowable subject to filing a proper terminal disclaimer and subject to correcting the objection to claim 13. The reasons for the indicated allowability of the claims are as follows:

The prior art of record does not disclose or suggest a vacuum chamber having a wall enclosing the support member and a gas evacuating structure constructed and arranged to evacuate gas escaping towards the vacuum chamber through a gap between the movable member and a bearing surface in combination with the other elements recited in independent claim 1.

The prior art of record does not disclose or suggest the steps of supporting along a support direction one of a support structure of the lithographic projection apparatus, a substrate table of the lithographic projection apparatus and an isolated reference frame of the lithographic projection apparatus with a support member in a direction that is

substantially perpendicular to the support direction of the support member, and a gas evacuating structure constructed and arranged to evacuate gas escaping towards the vacuum chamber through a gap between the movable member and a bearing surface in combination with all the other steps recited in independent claim 20.

The prior art of record does not disclose or suggest the steps of placing the support member in a vacuum chamber and evacuating gas escaping towards the vacuum chamber through a gap between the movable member and a bearing surface in combination with all the other steps recited in independent claim 22

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents on Applicant's PTO 1449 are cited for the same reasons Applicant cited them in his INFORMATION DISCLOSURE STATEMENT.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan A. Mathews whose telephone number is (703) 308-1706. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM.

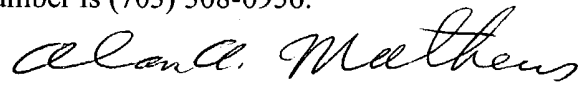
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308-2847. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Alan A. Mathews
Primary Examiner
Art Unit 2851

AAM